

	ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL POLICIES AND PROCEDURES (APAAC)		
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	POLICY: Amicus Curiae Policy		Page 1

The head of any prosecuting agency in Arizona may ask APAAC to file an *amicus curiae* brief in a case where the prosecuting agency is a party. That request should be submitted in writing, and include the specific reason why the prosecuting agency believes APAAC's support would be beneficial to the resolution of the case.

The APAAC Executive Director will advise the chairman when APAAC has received an *amicus* request. The issue of whether APAAC will file an *amicus* will either be placed on the agenda of the next regularly scheduled Executive Committee meeting, or a special Executive Committee meeting will be convened. The Executive Committee may consider the following factors in deciding whether APAAC should file an *amicus*:

1. Whether the prosecuting agency's position in the case is firmly supported by the law.
2. Whether the presented issue is fact-specific, or if it is based on a legal principle.
3. The likelihood that the resolution of the issue will impact criminal cases across Arizona.
4. The timeframe within which an *amicus* would need to be filed.
5. Whether the resources necessary to prepare an *amicus* would unduly impact other APAAC functions.
6. Any other relevant factor.

The Executive Committee may then do any of the following:

1. Authorize the filing of an *amicus curiae* brief;
2. Decline the filing of an *amicus curiae* brief;
3. Defer making a decision;
4. Conditionally authorize the filing of an *amicus curiae* brief unless the Executive Director (or other authorized delegate of the Executive Counsel) subsequently determines, following a review of the issues and pleadings, that an *amicus* brief would not provide the appellate court with information, perspective, or argument not already presented in an underlying appellate brief.